

CHAPTER 1 – CIVIL ADMINISTRATION

ARTICLE 1 – VILLAGE ADMINISTRATION

- 1-101 CORPORATE EXISTENCE**
- 1-102 CORPORATE SEAL**
- 1-103 BONDS; BLANKET BOND**
- 1-104 OFFICERS; OATH OF OFFICE**
- 1-105 OFFICERS; SALARIES**
- 1-106 ELECTIVE OFFICIALS; CONFLICT OF INTEREST**

ARTICLE 2 – VILLAGE BOARD

- 1-201 PUBLIC BODY DEFINED**
- 1-202 POWERS**
- 1-203 NUMBER AND QUALIFICATIONS**
- 1-204 VACANCIES**
- 1-205 CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES**
- 1-206 MEETINGS DEFINED**
- 1-207 MEETINGS; RIGHTS OF PUBLIC**
- 1-208 MEETINGS; NOTICE, AGENDA**
- 1-209 MEETINGS; PLACE, DAY, TIME**
- 1-210 MEETINGS; NOTICE TO NEWS MEDIA**
- 1-211 MEETINGS; ELECTION YEAR CHANGE IN OFFICE**
- 1-212 MEETINGS; APPOINTMENT OF STANDING COMMITTEES**
- 1-213 MEETINGS; QUORUM**
- 1-214 MEETINGS; ORDER OF BUSINESS**
- 1-215 MEETINGS; UNEXCUSED ABSENCES**
- 1-216 MEETINGS; PARLIAMENTARY PROCEDURE**
- 1-217 MEETINGS; VOTES**
- 1-218 MEETINGS; CLOSED SESSIONS**
- 1-219 MEETINGS; SPECIAL**
- 1-220 MEETINGS; EMERGENCY**
- 1-221 MEETINGS; MINUTES**

ARTICLE 3 – ORDINANCES, RESOLUTIONS AND MOTIONS

- 1-301 GRANT OF POWER**
- 1-302 ORDINANCES; STYLE**
- 1-303 ORDINANCES; TITLE**
- 1-304 INTRODUCTION AND PASSAGE**
- 1-305 VOTES**
- 1-306 ORDINANCES; PUBLICATION OR POSTING; EMERGENCY**
- 1-307 ORDINANCES; CERTIFICATE OF PASSAGE; PUBLICATION IN
BOOK OR PAMPHLET FORM**
- 1-308 ORDINANCES; EFFECTIVE DATE**

- 1-309 ORDINANCES; AMENDMENTS AND REVISIONS
- 1-310 EMERGENCY ORDINANCES

ARTICLE 4 – APPOINTED OFFICIALS

- 1-401 APPOINTIVE OFFICERS
- 1-402 MERGER OF OFFICES
- 1-403 CLERK-TREASURER POSITION CREATED
- 1-404 VILLAGE CLERK
- 1-405 VILLAGE TREASURER
- 1-406 TREASURER’S MONTHLY REPORT
- 1-407 TREASURER’S ANNUAL REPORT
- 1-408 VILLAGE ATTORNEY
- 1-409 SPECIAL ENGINEER
- 1-410 POLICE DEPARTMENT; CONTRACT WITH COUNTY SHERIFF'S OFFICE
- 1-411 COUNTY SHERIFF AS CHIEF LAW ENFORCEMENT OFFICER
- 1-412 POLICE; SPECIAL
- 1-413 FIRE CHIEF
- 1-414 PUBLIC WORKS COMMISSIONER/UTILITIES SUPERINTENDENT; BOND
- 1-415 STREET COMMISSIONER
- 1-416 BUILDING INSPECTOR

ARTICLE 5 – FISCAL MANAGEMENT

- 1-501 FISCAL YEAR
- 1-502 PUBLIC FUNDS DEFINED
- 1-503 DEPOSIT OF FUNDS; BANKS
- 1-504 CERTIFICATE OF DEPOSIT; TIME DEPOSITS; CONDITIONS
- 1-505 INVESTMENT OF FUNDS
- 1-506 AUTHORITY TO CONTRACT WITH COLLECTION AGENCY
- 1-507 CLAIMS
- 1-508 WARRANTS
- 1-509 EXPENDITURES
- 1-510 BOND ISSUES
- 1-511 SINKING FUND
- 1-512 SPECIAL ASSESSMENT FUND
- 1-513 COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE
- 1-514 CONTRACTS; APPROPRIATION
- 1-515 CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS
- 1-516 ANNUAL AUDIT; FINANCIAL STATEMENTS
- 1-517 ANNUAL APPROPRIATION BILL
- 1-518 BUDGET MANUAL; INCORPORATED BY REFERENCE
- 1-519 PROPOSED BUDGET STATEMENT

- 1-520 PROPOSED BUDGET STATEMENT; PUBLICATION
- 1-521 PROPOSED BUDGET STATEMENT; HEARING
- 1-522 ADOPTED BUDGET STATEMENT; FILING
- 1-523 TRANSFER OF FUNDS
- 1-524 ALL-PURPOSE LEVY
- 1-525 INADEQUATE VALUATION
- 1-526 ALL-PURPOSE LEVY; ALLOCATION
- 1-527 ALL-PURPOSE LEVY; ABANDONMENT
- 1-528 EXTRAORDINARY LEVY
- 1-529 PROPERTY TAX

ARTICLE 6 – ELECTIONS

- 1-601 VILLAGE BOARD
- 1-602 CERTIFICATION OF ELECTION
- 1-603 GENERAL ELECTION DATE
- 1-604 FILING FOR OFFICE
- 1-605 FILING FEE
- 1-606 BALLOTS
- 1-607 CAUCUS CANDIDATES
- 1-608 PETITION CANDIDATES
- 1-609 CERTIFICATE OF NOMINATION OR ELECTION
- 1-610 SPECIAL ELECTION
- 1-611 EXIT POLLS
- 1-612 RECALL PROCEDURE

ARTICLE 7 – PENAL PROVISION

- 1-701 VIOLATION; PENALTY

CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – Village Administration

SECTION 1-101: CORPORATE EXISTENCE

The Village of Palmer, Nebraska, having a population of fewer than 800 inhabitants, is hereby declared to be a village and shall be governed in all respects by the laws regulating villages. (Neb. Rev. Stat. §17-201)

SECTION 1-102: CORPORATE SEAL

The Village of Palmer shall own a common seal of the corporation and may have engraved thereon the words "Village of Palmer, Merrick County, Nebraska, Seal." The seal shall be kept in the office of the village clerk, who shall affix an impression of said seal on all papers or documents executed in his/her official capacity. (Neb. Rev. Stat. §17-502)

SECTION 1-103: BONDS; BLANKET BOND

A. Official bonds of the Village shall be in form, joint and several, and shall be made payable to the Village in such penalty as the Village Board may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum when one has been set by the State of Nebraska for each particular official. All official bonds of village officials shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county or by the official as principal and by a guaranty, surety, fidelity, or bonding company; provided, no village official while still serving his/her official term of office shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State shall be eligible for suretyship on the bond of an official of the Village.

B. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the Village and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until approved by the Village Board and all sureties are endorsed in writing on the said instrument by the chairman and village clerk pursuant to the said approval of the board. The premium on any official bond required to be given may be paid out of the General Fund or other proper village fund upon a resolution to that effect by the Village Board at the beginning of any village year. All official bonds meeting the conditions herein shall be filed with the village clerk for the official records and it shall be the duty of the clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Village Board.

C. All surety and other bonds required by village ordinances or by Nebraska law for village officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The Village may pay the premium for the bond or insurance coverage, which shall be, at a minimum, an aggregate of the amounts fixed by the law or by the Village Board and on such terms and conditions as may be required.

D. If the sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board, it may by resolution fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond or additional sureties to the satisfaction and approval of the Village Board, then the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the board to appoint a competent and qualified person to fill the said office. Any official re-elected to office shall be required to file a new bond after each election.

(Neb. Rev. Stat. §11-104, 11-105, 11-110 thru 11-119, 11-121, 11-122, 17-604)

SECTION 1-104: OFFICERS; OATH OF OFFICE

All offices of the Village of Palmer, whether elective or appointive, shall take an oath of office in substantially the following form prior to the entering upon their official duties. Such oath shall be endorsed upon their respective bonds.

“ I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation and not for the purpose of evasion; that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my abilities; and I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate or become a member of any political party or organization that advocates the over-throw of the government of the United States or of this state by force or violence. So help me God.”

(Neb. Rev. Stat. §11-101)

SECTION 1-105: OFFICERS; SALARIES

A. All elected officers shall receive such compensation as the Board of Trustees shall fix by ordinance. The emoluments of appointive and elective offices of this village shall be neither increased nor decreased during the term for which elected or appointed except by merger of offices or when there are other officers elected or appointed to the board and the terms of one or more members commence and end at

different times. The compensation of all members of such board may be increased or diminished at the beginning of the full term of any member thereof. All salaries shall be set by ordinance of the Village Board and will be available for public inspection at the office of the village clerk.

B. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses if and when claims therefore are filed, audited and allowed. The chairman and Board of Trustees may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this village in the performance of his/her duties as such shall be considered the property of this village and shall be promptly paid over to the village treasurer and credited to the appropriate fund.

(Neb. Rev. Stat. §13-2203, 17-209, 17-612)

SECTION 1-106: ELECTIVE OFFICIALS; CONFLICT OF INTEREST

A. For purposes of this section, "officer" shall mean (1) any member of any board or commission of the Village; (2) any appointed official if such village official serves on a board or commission which spends and administers its own funds and is dealing with a contract made by such board or commission; or (3) any elected village official.

B. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

C. No officer of the Village shall be permitted to benefit from any contract to which the Village is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the Village or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Village has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or a business association which shall mean a business: (a) in which the individual is a partner, director, or officer or (b) in which the individual or a member of the Individual's immediate family is a stockholder of a closed corporation

stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest or

2. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

D. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;
2. Does not vote on the matter of granting the contract, except that if the number of members of the body declaring an interest in the contract would prevent the body, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
3. Does not act for the governing body as to inspection or performance under the contract in which he/she has an interest.

E. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any village by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsection (D) (1) through (3) above, if an officer's parent, spouse or child is an employee of the Village, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his/her parent, spouse, or child for special attire. If an officer has the power to employ personnel and he/she hires his/her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsection (F) (1) through (5) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Village.

F. The village clerk shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) below about every contract entered into by the Village in which an officer has an interest as specified above for which disclosure is made as provided in subsection (D) (1) through (3) above.

Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the (1) names of the contracting parties; (2) nature of the interest of the officer in question; (3) date that the contract was approved by the Village; (4) amount of the contract; and (5) basic terms of the contract.

G. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours.

H. An open account established for the benefit of any village or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

I. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §49-14.103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

J. The Village may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such village may have an interest.

K. No officer shall receive any pay or perquisites from the Village other than his/or her salary. The Village Board shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which comes within the proper scope of the duties of any officer of the Village.

(Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-1408, 49-14,103.01 through 49-14,103.03, 49-14,103.06)

Article 2 – Village Board

SECTION 1-201: PUBLIC BODY DEFINED

A. “Public body” as used in this article shall mean:

1. The Village Board,
2. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
3. Advisory committees of the bodies listed above.

B. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body.

(Neb. Rev. Stat. §84-1409(1)) (Ord. No. 166, 08/04/99)

SECTION 1-202: POWERS

A. The Board of Trustees shall have the power to pass ordinances; to prevent and remove nuisances; to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within the Village; to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to provide for the inspection of building materials to be used or offered for sale in the Village; to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining and all excavations through and under the sidewalks of the Village; and in addition to the special powers herein conferred and granted, to maintain the peace, good government, and welfare of the Village and its trade, commerce, and manufactories; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding \$500 for any one offense, recoverable with costs.

B. The Village has the power and authority by ordinance to define, regulate, suppress, and prevent nuisances, to declare what constitutes a nuisance, and to abate and remove the same. The Village may exercise such power and authority within its zoning jurisdiction.

(Neb. Rev. Stat. §17-207, 18-1720)

SECTION 1-203: NUMBER AND QUALIFICATIONS

The Village Board of Trustees shall consist of five members who shall be citizens of the United States, residents of the Village and registered voters. Every trustee so elected and qualified shall hold his/her office for a term of four years; provided, a trustee's term shall expire and the office will become vacant upon moving from the Village. The members of the Board of Trustees shall, before entering upon the duties of

their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska and faithfully and impartially to discharge the duties of their office. (Neb. Rev. Stat. §17-202 through 17-204)

SECTION 1-204: VACANCIES

A. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560 except as provided in Neb. Rev. Stat. §32-561.

B. Except as otherwise provided in subsection (C) or (D) of this section, vacancies in elected offices shall be filled by the Village Board for the balance of the unexpired term. Notice of vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Village Board at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Village Board shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or by posting in three public places in the Village the office vacated and the length of the unexpired term.

C. The chairman of the Village Board shall call a special meeting or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the chairman shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur within four weeks after the meeting at which such notice of vacancy has been presented or within four weeks after the death of the incumbent. The board shall vote upon such nominee and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the chairman shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the chairman shall continue at such meeting to submit the names of qualified registered voters in nomination and the board members shall continue to vote upon such nominations at such meeting until the vacancy is filled. All board members present shall cast a ballot for or against the nominee. Any member of the board who has been appointed to fill a vacancy shall have the same rights, including voting, as if such person were elected.

D. The board may, in lieu of filling a vacancy in the elected office as provided in subsection (A) of this section, call a special election to fill such vacancy.

E. If vacancies exist in the offices of a majority of the members of the Village Board, the secretary of state shall conduct a special election to fill such vacancies.

F. Any vacancy due to a recall election shall be filled as provided in Neb. Rev. Stat. §32-1308.
(Neb. Rev. Stat. §32-560 through 32-562, 32-568, 32-569, 32-1308)

SECTION 1-205: CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES

The Village Board chairman shall be selected at the first regular meeting of the board in December by the board members from their own membership. The chairman shall preside at all meetings of the board. In the absence of the chairman, the Board of Trustees shall elect one of its own body to occupy the position temporarily who shall hold the title of chairman pro tempore of the board. The chairman and the chairman pro tempore shall have the same powers and privileges as other members of the board. The chairman shall cause the ordinances of the board to be printed and published for the information of the inhabitants. The chairman shall also perform all duties of his/her office in accordance with the laws of the State of Nebraska and the ordinances of the Village. The qualifications for the chairman shall be the same general qualifications that apply to the members of the Board of Trustees. (Neb. Rev. Stat. §17-203, 204, 17-210)

SECTION 1-206: MEETINGS DEFINED

“Meetings” shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Neb. Rev. Stat. §84-1409(2)) (Ord. No. 166, 08/04/99)

SECTION 1-207: MEETINGS; RIGHTS OF PUBLIC

A. Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed sessions called pursuant to Section 1-218 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

B. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting but it may not forbid public participation at all meetings.

C. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

D. No public body shall for the purpose of circumventing the Open Meetings Act hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it

holds its meeting in its traditional meeting place which is located in this state.

E. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

F. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act, posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.
(Neb. Rev. Stat. §84-1412)

SECTION 1-208: MEETINGS; NOTICE, AGENDA

A. The Village Board shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the board and recorded in its minutes. Such notice shall be transmitted to all members of the board and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, kept continually current, shall be readily available for public inspection at the village office during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

B. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the Village Board scheduled outside the corporate limits of the Village. The board shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.
(Neb. Rev. Stat. §84-1411(1)) (Ord. No. 166, 08/04/99)

SECTION 1-209: MEETINGS; PLACE, DAY, TIME

The regular meetings of the chairman and Board of Trustees shall be held in the village hall on the first Wednesday of each month beginning at 7:00 P.M. (Ord. No. 166, 08/04/99)

SECTION 1-210: MEETINGS; NOTICE TO NEWS MEDIA

The village clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Neb. Rev. Stat. §84-1411(4))

SECTION 1-211: MEETINGS; ELECTION YEAR CHANGE IN OFFICE

Every trustee, before entering upon the duties of his/her office, shall take an oath to support the Constitution of the United States and the Constitution of Nebraska and faithfully and impartially to discharge the duties of the office. All trustees elected to office shall qualify and meet on the first regular meeting of the board in December thereafter, organize, elect a chairman of the board, and appoint the officers required by law. The Board of Trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the chairman. (Ord. No. 166, 08/04/99)

SECTION 1-212: MEETINGS; APPOINTMENT OF STANDING COMMITTEES

After each village election, the chairman of the Village Board of Trustees shall appoint board members to such standing committees as may be established to efficiently govern the Village. The membership of said standing committees may be changed from time to time in the discretion of the chairman. Each committee shall consist of two members of the Village Board; provided, however, the chairman shall be the ex officio third member of each standing committee appointed.

SECTION 1-213: MEETINGS; QUORUM

At all meetings of the Board of Trustees a majority of the board shall constitute a quorum to do business. (Ord. No. 166, 08/04/99)

SECTION 1-214: MEETINGS; ORDER OF BUSINESS

Promptly at the hour set by law on the day of each regular meeting, the members of the board, the chairman, the village clerk and such other village officials as may be required shall take their regular stations in the village hall and the business of the Village shall be taken up for consideration and disposition. The order of business shall be as specified on the official notice of the agenda of the meeting required by law on file at the office of the village clerk. (Ord. No. 166, 08/04/99)

SECTION 1-215: MEETINGS; UNEXCUSED ABSENCES

It is the duty of each member of the Board of Trustees to attend every meeting unless prevented by sickness or absence from the Village. Absence from three consecutive meetings shall operate to vacate the seat of the member unless the absence is excused by the Village Board by resolution, setting forth the reason for nonattendance and the same being entered in the records of the Village.

SECTION 1-216: MEETINGS; PARLIAMENTARY PROCEDURE

A. The chairman shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the board. When any per-

son is called to order, he/she shall be seated until the point is decided. When the chairman is putting the question, no person shall leave the meeting room. Every person present, before speaking, shall rise from his/her seat and address himself/herself to the presiding officer and while speaking shall confine himself/herself to the question. When two or more persons rise at once, the chairman shall recognize the one who spoke first.

B. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Village Board. Every member of the board who is present when a question is voted upon shall cast his/her vote unless excused by a majority of the board present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the board making the motion or resolution shall be entered also. After each vote, the "yeas" and "nays" shall be taken and entered in the minutes upon the request of any member of the board. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Village Board seconding the said resolution, motion, or ordinance.

C. When in the consideration of an ordinance different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a member voting with the majority but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question.

D. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate.

E. Any of the rules of the Village Board for meetings may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the Village Board shall decide all procedural disputes that may arise.

SECTION 1-217: MEETINGS; VOTES

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Village Board in open session and the record shall state how each member voted or whether the member was absent or not voting. The vote to elect leadership within the board may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes. (Neb. Rev. Stat. §84-1413)

SECTION 1-218: MEETINGS; CLOSED SESSIONS

A. Any public body may hold a closed session by the affirmative vote of a ma-

majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

1. Strategy session with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

C. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

D. Any member of the public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purposes of circumventing the provision of this ordinance. No closed session, informal meeting, chance meeting, social gatherings, or electronic communication shall be used for the purpose of circumventing the provisions of this ordinance.

F. The provisions of this ordinance shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is not meeting of the body then intentionally convened there is no vote or

other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. For purposes of this section, "formal action" shall mean a collective decision or collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed session authorized under subsection (A) of this section.

(Neb. Rev. Stat. §84-1410) (Ord. No. 166, 08/04/99)

SECTION 1-219: MEETINGS; SPECIAL

A. Special meetings may be called by the chairman or by three members of the Board of Trustees, the object of which shall be submitted to the board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the village clerk. On filing the call for a special meeting, the clerk shall notify the members of the Board of Trustees of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the board known to be out of the state or physically unable to be present. A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day to day to compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend. (Ord. No. 166, 08/04/99)

B. At the hour appointed for the meeting, the clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the board shall be called to order by the chairman, if present, or if absent, by the vice-chairman of the board. In the absence of both the chairman and the vice-chairman, the board members shall elect a vice-chairman pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 3 (Ordinances, Resolutions and Motions) herein.

(Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-220: MEETINGS; EMERGENCY

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-210 (Notice to News Media) shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §84-1411(5)) (Ord. No. 166, 08/04/99)

SECTION 1-221: MEETINGS; MINUTES

A. The Village Board shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours. The minutes of the village clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the board present or absent at each convened meeting.

B. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, but the Village may have an additional ten working days if the village clerk is absent due to a serious illness or emergency.

(Neb. Rev. Stat. §84-1413) (Ord. No. 166, 08/04/99)

Article 3 – Ordinances, Resolutions and Motions

SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the state laws as may be necessary and proper for maintaining the peace, good government, and welfare of the Village and its trade, commerce, and security and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding five hundred dollars for any one offense, recoverable with costs. (Neb. Rev. Stat. §17-505)

SECTION 1-302: ORDINANCES; STYLE

The style of all ordinances shall be: "Be it ordained by the Chairman and Board of Trustees of the Village of Palmer..." (Neb. Rev. Stat. §17-613)

SECTION 1-303: ORDINANCES; TITLE

Ordinances shall contain no subject which shall not be clearly expressed in the title and no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended shall be repealed; provided, for an ordinance revising all the ordinances of the Village, the title need only state that the ordinance revises all the ordinances of the Village. Under such title all the ordinances may be revised in sections and chapters or otherwise and corrected, added to, and any part suppressed and may be repealed with or without a saving clause as to the whole or any part, without other title. (Neb. Rev. Stat. §17-614)

SECTION 1-304: INTRODUCTION AND PASSAGE

A. All ordinances, resolutions or orders for the appropriation or payment of money shall require for their passage or adoption of the concurrence of the majority of the trustees elected to the Village Board. Ordinances of a general or permanent nature shall be read by title on three different days, unless three-fourths of the board members vote to suspend this requirement. The requirement that ordinances be read on three different days shall not be suspended by any ordinance for the annexation of territory. In the case of requirement that ordinances of a general or permanent nature be read by title on three different days is suspended, the ordinance shall then be read by title or number and then moved for final passage. Three-fourths of the members elected to the Village Board may require the reading of any ordinance in full before enactment.

B. Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the board. A majority vote shall be required to pass any resolution

or motion. The vote on any resolution or motion shall viva voce and "yeas" and "nays" thereon shall be recorded by the village clerk if one or more members of the board shall request a roll call; provided, however, that the roll call shall be called at every instance where the matter before the board involves directly or indirectly the expenditure of public funds.

(Ord. No. 217, 04/04/07)

SECTION 1-305: VOTES

On the passage or adoption of every bylaw or ordinance and every resolution or order to enter into a contract by the Board of Trustees, "yeas" and "nays" shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Board of Trustees shall be required. (Neb. Rev. Stat. §17-616)

SECTION 1-306: ORDINANCES; PUBLICATION OR POSTING; EMERGENCY

All ordinances of a general nature shall before they take effect, be published within 15 days after they are passed:

A. In some newspaper published in the Village, but if no paper is published in the Village, then by posting a written or printed copy thereof in each of three public places in the Village; or

B. By publishing the same in book or pamphlet form; provided, in case of riot, infectious or contagious diseases, or other impending danger, failure of public utility, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the chairman of the Board of Trustees, posted in at least three of the most public places in the Village. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the Board of Trustees, and entered of record on the clerk's minutes.

(Neb. Rev. Stat. §17-613)

SECTION 1-307: ORDINANCES; CERTIFICATE OF PASSAGE; PUBLICATION IN BOOK OR PAMPHLET FORM

All ordinances of a general nature shall be published one time within 15 days after they are passed in some newspaper published in the Village or if no paper is published in the Village, then by posting a written or printed copy in each of three public places in the Village or in book or pamphlet form. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the Village from the village clerk showing that the said ordinance was passed and approved, and when and in what paper the same was published, or when, by whom and where the same was posted. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the Board of Trustees, the same need not be otherwise published and such book or pamphlet shall be

received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof. (Neb. Rev. Stat. §17-613)

SECTION 1-308: ORDINANCES; EFFECTIVE DATE

A. All ordinances adopted by the voters of the Village after submission to them by either initiative or referendum petition shall become immediately effective thereafter.

B. No ordinance for the government of the Village which has been adopted without submission to the voters shall go into effect until 15 days after the passage of such ordinance except as provided in Neb. Rev. Stat. §16-405 and 17-613. (Neb. Rev. Stat. §19-3701)

SECTION 1-309: ORDINANCES; AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended. The ordinance or section so amended shall be repealed except that an ordinance revising all the ordinances of the Village and modifications to zoning building districts may be adopted as otherwise provided by law. (Neb. Rev. Stat. §17-614)

SECTION 1-310: EMERGENCY ORDINANCES

In the case of an ordinance passed concerning riot, infectious or contagious diseases or other impending danger, failure of a public utility or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the village chairman and the posting thereof in at least three of the most public places in the Village. Such emergency notice shall recite the emergency and shall be passed by a three-fourths vote of the board and entered upon the village clerk's minutes. (Neb. Rev. Stat. §16-405, 17-613)

Article 4 – Appointed Officials

SECTION 1-401: APPOINTIVE OFFICERS

The Village Board of Trustees may appoint a village clerk, village treasurer, village attorney, village police officer, water commissioner and street commissioner. The Village Board may enact resolutions to require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duties. The Village may pay the premium for such bonds. The board shall also appoint such additional officials and employees as the trustees may determine are needed by the Village. All such appointees except for police officers shall hold office for one year unless sooner removed by the chairman of the board by and with the advice and consent of the Village Board. If the Village has a water commissioner, he/she may at any time, for sufficient cause, be removed from office by a two-thirds vote of the board. (Neb. Rev. Stat. §17-208, 17-541)

SECTION 1-402: MERGER OF OFFICES

The Board of Trustees may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time, except that trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to Neb. Rev. Stat. §49-14,103.01 to §49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged or combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-209.02)

SECTION 1-403: CLERK-TREASURER POSITION CREATED

The appointive offices of municipal clerk and municipal treasurer are hereby combined and merged in accordance with the authority granted to the Village Board by Section 1-402. The offices so merged and combined shall always be construed to be separate and the effect of the combination, or merger, shall be limited to a consolidation of official duties only. The salary of the person holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

SECTION 1-404: VILLAGE CLERK

A. The village clerk shall attend the meetings of the Village Board and keep a

correct journal of the proceedings of that body. He/she shall keep a record of all outstanding bonds against the Village and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. At the end of the fiscal year he/she shall make a report of the business of the Village transacted through his/her office for the year. That record shall describe particularly the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He/she shall file all official bonds after the same shall have been properly executed and approved. He/she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Village Board.

B. The village clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the village ordinances. He/she shall collect all occupation taxes and license money except where some other village officer is specifically charged with that duty. He/she shall keep a register of all licenses granted in the Village and the purpose for which they have been issued.

C. The village clerk shall have the custody of all laws and ordinances, and shall keep a correct journal of the proceedings of the council or board of trustees; provided that after the period of time specified by the state records administrator pursuant to Neb. Rev. Stat. §84-1201 to 84-1220, the clerk may transfer such journal of the proceedings of the council or board of trustees to the State Archives of the Nebraska State Historical Society, for permanent preservation.

D. The village clerk shall permit no records, public papers, or other documents of the Village kept and preserved in the office to be taken therefrom except by such officers of the Village as may be entitled to the use of the same but only upon their leaving a receipt therefor. He/she shall keep all village records, including a record of all licenses issued in a blank book with a proper index. He/she shall include as part of the records all petitions under which the Village Board shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He/she shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings shall be properly docketed. Included in the records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in a manner convenient for reference.

E. The clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular funds from which the same are payable. At the end of each month he/she shall make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during office hours.

F. The village clerk shall deliver all warrants, ordinances and resolutions under his/her charge to the chairman for his/her signature. He/she shall also deliver to offic-

ers, employees, and committees all resolutions and communications which are directed to them. With the seal of the Village, he/she shall duly attest the chairman's signature on all ordinances, deeds and papers required to be attested to.

G. Within 30 days after any meeting of the Village Board, the village clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the Village and which was duly designated as such by the board. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

H. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the General Fund. He/she shall then keep in a book with a proper index copies of all notices required to be published or posted by order of the Village Board or under the ordinances of the Village. To each of the file copies of said notices shall be attached to the printer's affidavit of publication if the said notices are required to be published or the village clerk's certificate under seal where the same are required to be posted only.

I. The village clerk shall receive all objections to creation of paving districts and other street improvements. He/she shall receive the claims of any person against the Village and in the event that any of said claims is disallowed in part or in whole, the village clerk shall notify such claimant, his/her agent, or attorney by letter within five days after such disallowance. The clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

J. The village clerk may charge a reasonable fee for certified copies of any record in his/her office as set by resolution of the Village Board. He/she shall destroy village records under the direction of the State Records Board pursuant to Neb. Rev. Stat. §84-1201 through 84-1220; provided, the Village Board shall not have the authority to destroy the minutes of the village clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board.

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-405: VILLAGE TREASURER

The village treasurer shall be the custodian of all moneys belonging to the Village. He/she shall keep all money belonging to the Village separate and distinct from his/her own money. He/she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He/she shall issue duplicate re-

ceipts for all moneys received by him/her for the Village. He/she shall give to every person paying money into the village treasury a receipt therefor, specifying the date of payment and the account paid. One of the receipts shall be filed with his/her monthly report and the last copy of the said receipt shall be kept on file in his/her office. His/her books and accounts shall always be open for inspection by any citizen of the Village whenever any village fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He/she shall cancel all bonds, coupons, warrants, and other evidences of debt against the Village, whenever paid, by writing or stamping on the face thereof, "Paid by the village treasurer," with the date of payment written or stamped thereon. He/she shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the county treasurer a monthly report as to the collection of delinquent taxes. The treasurer's daily cash book shall be footed and balanced daily, and he/she shall adopt such bookkeeping methods as the Village Board shall prescribe. He/she shall invest and collect all money owned by or owed to the Village as directed by the board. (Neb. Rev. Stat. §17-606 through 17-609, 84-712)

SECTION 1-406: TREASURER'S MONTHLY REPORT

The village treasurer shall, at the end of each and every month and such other times as the Village Board may deem necessary, render an account to the board under oath showing the financial state of the Village at that date, the amount of money remaining in each fund, the amount paid therefrom and the balance of money remaining in the treasury. The said account shall be accompanied with a statement of all receipts and disbursements, together with all warrants redeemed and paid. The treasurer shall also produce depository evidence that all municipal money is in a solvent and going bank in the name of the Village. If the treasurer shall neglect or fail for the space of 20 days from the end of each and every month to render his/her accounts as aforesaid, the Village Board shall by resolution declare the office vacant and appoint another person to fill the vacancy. The village treasurer shall be present at each regular meeting of the board, at which time he/she shall read and file a monthly report. (Neb. Rev. Stat. §17-606)

SECTION 1-407: TREASURER'S ANNUAL REPORT

The village treasurer shall publish in a legal newspaper having general circulation within the Village, within 60 days following the close of the village year, a report of the activities of his/her office, which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding and the debit or credit balance of the Village. (Neb. Rev. Stat. §19-1101)

SECTION 1-408: VILLAGE ATTORNEY

The village attorney shall be the legal advisor of the Village Board. He/she shall commence, prosecute, and defend all suits and actions necessary to be commenced,

prosecuted or defended or that may be ordered by the board. When requested, he/she shall attend meetings of the board and give his/her opinion upon any matters submitted to him/her, either orally or in writing, as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required and shall perform such other duties as may be imposed upon him/her by general law or ordinance. The Village Board shall have the right to pay the village attorney compensation for legal services performed by him/her for it on such terms as the board and attorney may agree and to employ additional legal assistance and to pay for such legal assistance out of the funds of the Village. (Neb. Rev. Stat. §17-610)

SECTION 1-409: SPECIAL ENGINEER

A special engineer shall be appointed by the chairman with the approval of the Board of Trustees when the necessity shall arise. The engineer shall make a record of the minutes of his/her surveys and all work done for the Village, which shall be public records and belong to the Village. He/she shall accurately make all plats, sections, profiles and maps that may be necessary. He/she shall upon request of the chairman and Village Board make estimates of the cost of labor and material which may be done or furnished by contract with the Village and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing, or repairing of any public improvement of the Village, filing the same with the village clerk. He/she shall inspect all works of public improvement and if found to be properly done, shall accept the same and forthwith report his/her acceptance to the chairman and Village Board. He/she shall estimate the cost of all proposed village utilities and public improvements, together with all extensions thereof which the chairman and Village Board propose to construct or improve. The chairman and Village Board, whenever they may deem it expedient, may employ such special engineer to make or assist in making any particular estimate or survey. (Neb. Rev. Stat. §17-568)

SECTION 1-410: POLICE DEPARTMENT; CONTRACT WITH COUNTY SHERIFF'S OFFICE

The Village of Palmer may enter into a contract with the County Board of Merrick County for police and law enforcement services to be provided by the Merrick County Sheriff's Office. Whenever any such contract has been entered into, the sheriff or his deputies shall, in addition to their other powers and duties, have all the powers and duties of the village police chief within and for the Village. A copy of such contract shall be on file at the office of the village clerk, available for public inspection during office hours.

SECTION 1-411: COUNTY SHERIFF AS CHIEF LAW ENFORCEMENT OFFICER

If appointed, the county sheriff shall direct the police work of the Village and shall be responsible for the maintenance of law and order; act as health inspector, except in

the event the Village appoints another person; file the necessary complaints in cases arising out of violations of village ordinances; and make all necessary reports required by village ordinances or state laws.

SECTION 1-412: POLICE; SPECIAL

The chairman and Board of Trustees may, in their discretion, employ a night watch or other special police force for such periods of time and for such compensation as may be fixed at the time of their employment. Any special police, when appointed, shall qualify the same as other appointive officers and shall be under the direction and control of the chief of police in the performance of his/her duties. Any such special police officers shall have all the powers of the chief of police except as herein provided.

SECTION 1-413: FIRE CHIEF

The duties of the fire chief shall be as provided in Section 8-102 herein.

SECTION 1-414: PUBLIC WORKS COMMISSIONER/UTILITIES SUPERINTENDENT; BOND

A. In the event that there is another village utility in addition to the village waterworks, a public works commissioner, also called utilities superintendent, shall be appointed annually at the first regular meeting of the Village Board in December to manage the said utilities. The commissioner may at any time, for sufficient cause, be removed by a two-thirds vote of the Village Board. Any vacancy occurring in the office by death, resignation, removal from office, or removal from the Village may be filled in the manner provided in this section for the appointment of such commissioner. (Ord. No. 188, 06/12/02)

B. The public works commissioner shall, before entering upon the discharge of his duties, execute a bond or provide evidence of equivalent insurance to the Village in a sum to be fixed by the board, but not less than \$5,000.00, conditioned upon the faithful discharge of his duties, and such bond shall be signed by two or more good and sufficient sureties, to be approved by the board or executed by a corporate surety. The commissioner, subject to the supervision of the Village Board, shall have the general management and control of the following village utilities and shall have such other duties as prescribed by the board:

Water Department

The public works commissioner shall have general supervision and control over the village water system and shall be primarily responsible for its economic operation and prudent management, included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Village. The commissioner shall have the gen-

eral control and supervisory authority over all employees of the water system which the Village Board may from time to time hire to operate and maintain the said system. He shall make a detailed report to the board at least once every six months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the commissioner.

Sewer Department

The public works commissioner shall have the immediate control and supervision over all the employees and property that make up the village sewer system. He shall, at least every six months, make a detailed report to the Village Board on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall inspect and supervise all repairs made to the said system.

(Neb. Rev. Stat. §17-541, 17-543)

SECTION 1-415: STREET COMMISSIONER

The street commissioner shall, subject to the orders and directives of the Village Board, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Village. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. At the request of the Village Board he shall make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the Village and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Village, along with an estimate of the cost thereof. He shall perform such other duties as the Village Board may require. (Neb. Rev. Stat. §17-214)

SECTION 1-416: BUILDING INSPECTOR

The building inspector shall be the county building inspector, whose general powers and duties shall be as provided in Section 9-101, with further duties as provided in the subsequent sections of Chapter 9, Article 1.

Article 5 – Fiscal Management

SECTION 1-501: FISCAL YEAR

The fiscal year for the Village of Palmer shall commence on October 1 and extend through the following September 30. It shall be the duty of the village treasurer to prepare and publish annually within 60 days following the close of its fiscal year a statement of the receipts and expenditures by funds of the Village for the preceding fiscal year. (Neb. Rev. Stat. §17-701)

SECTION 1-502: PUBLIC FUNDS DEFINED

“Public funds” shall mean all money including non-tax money used in the operation and functions of governing bodies. For purposes of a village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the Village from a licensed lottery operator shall be considered public funds; and “public funds” shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503(7))

SECTION 1-503: DEPOSIT OF FUNDS; BANKS

The Village Board, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the village treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the Village meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the village treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-504: CERTIFICATE OF DEPOSIT; TIME DEPOSITS; CONDITIONS

The village treasurer may, upon resolution of the Board of Trustees authorizing the same, purchase certificates of deposit from and make time deposits in any state or national bank in the State of Nebraska to the extent that such certificate of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amount so secured if the amount of the excess deposits shall be secured by a bond or pledge of assets. (Neb. Rev. Stat. §17-720)

SECTION 1-505: INVESTMENT OF FUNDS

Whenever the Village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest

of any such bonds which become due during the current year, the Village Board may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

SECTION 1-506: AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

A. The Village may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §45-601 to §45-622, within or without this state, for the purpose of collecting public debts owed by any person to the Village.

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless:

1. There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last-known address of the debtor (a) of the existence of the debt and (b) that the debt may be assigned to a collection agency for collection if the debt is not paid; and
2. At least 30 days have elapsed from the time the notice was sent.

C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

D. For purposes of this section, "debt" shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. Rev. Stat. §45-623)

SECTION 1-507: CLAIMS

All claims against the Village shall be presented to the Village Board in writing with a full account of the items and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board to be audited nor upon claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn, provided that in the event there exist obligated funds from the federal and/or state government for the

general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-508: WARRANTS

All warrants drawn upon the village treasury must be signed by the chairman and countersigned by the village clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid then upon such warrant so drawn. Each warrant shall specify the amount included in the adopted budget statement for such fund upon which it is drawn and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

SECTION 1-509: EXPENDITURES

The Board of Trustees shall have no power to appropriate, issue or draw any order or warrant on the village treasury for money, unless the same has been appropriated or ordered by ordinance or the claim for the payment of which such order or warrant is issued has been allowed and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law. (Neb. Rev. Stat. §17-708; 17-714 and 17-715)

SECTION 1-510: BOND ISSUES

After meeting all the requirements of state law, the Village Board may issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The Village Board shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §10-201 thru 10-411, 10-606 thru 10-612, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 thru 18-1805, 23-3513, 39-836)

SECTION 1-511: SINKING FUND

A. The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law upon the assessed value of all taxable property within the Village for a term not to exceed that prescribed by state law, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Village, for the purpose of establishing a sinking fund for the construction, purchase, improvement extension, or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on

the ballot

B. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The Village Board may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

(Neb. Rev. Stat. §19-1301 through 19-1304)

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special assessment shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made and such money shall be used for no other purpose whatever, unless to reimburse the Village for money expended for such improvement.

(Neb. Rev. Stat. §17-710)

SECTION 1-513: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

A. The Village shall have the authority to collect the special assessments which it levies and perform all other necessary functions related thereto including foreclosure.

B. If the Village elects to collect its special assessments, notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

C. A village that elects to collect its special assessments shall:

1. File notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds; and
2. File a release of assessment upon final payment of each assessment with the register of deeds.

(Neb. Rev. Stat. §18-1216)

SECTION 1-514: CONTRACTS; APPROPRIATION

No contracts shall hereafter be made by the Board of Trustees or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the Village, whether the object of the expenditures shall be ordered by the board or not, unless an appropriation shall have been previously made concerning such expense or the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §17-708 and 17-709)

SECTION 1-515: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the Village, no contract for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, costing over \$30,000.00 shall be made unless it is first approved by the Village Board.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the Village Board makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the village engineer and submitted to the Village Board. In advertising for bids as provided in subsections (C) and (E) of this section, the Village Board may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into:

1. For enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or
2. For the purchase of equipment used in the construction of such enlargement or general improvements.

D. A village electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. \$30,000.00 or less;
2. \$60,000.00 or less and the village electric utility has gross annual reve-

- nue from retail sales in excess of \$1,000,000.00;
3. \$90,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
 4. \$120,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

E. The advertisement provided for in subsection (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the Village, and if there is no legal newspaper published in or of general circulation in the Village, then in some newspaper of general circulation published in the County, and if there is no legal newspaper of general circulation published in the County, then in a newspaper, designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the Village or County, or if no newspaper has general circulation in the County, then by posting a written or printed copy thereof in each of three public places in the Village at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of or serious injury or damage to life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the Village Board and entered of record.

F. If, after advertising for bids as provided in this section, the Village Board receives fewer than two bids on a contract or if the bids received contain a price which exceeds the estimated cost, the board may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the Village, the board may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

H. Any village bidding procedure may be waived by the Village Board:

1. When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §81-145 to §81-162 or
2. When the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

I. Notwithstanding any other provisions of law or a home rule charter, a village which has established by an interlocal agreement with any county a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection: (1) "personal property" includes, but is not limited to, supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and (2) "purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means. (Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756)

SECTION 1-516: ANNUAL AUDIT; FINANCIAL STATEMENTS

A. The Village Board shall cause an audit of the village accounts to be made by a qualified accountant or shall prepare an unaudited statement of cash receipts and disbursements in lieu of an audit as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the Village Board, it shall be made on a cash or accrual method at the discretion of the board and shall be completed within six months of the close of the fiscal year. In the event the Village elects not to have an audit performed, the village treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor and shall submit not less than three copies of the unaudited report to the Village Board. The state auditor may require an audit of any village account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed.

B. All public utilities shall be audited separately and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual report shall be filed with the village clerk, becoming a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor.

C. Any village may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the auditor of public accounts in a form prescribed by him. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the village clerk and shall at all times thereafter be open and subject to public inspection. Every Village Board that is required herein to submit to an audit of its accounts shall provide and file with the village clerk, not later than August 1 of each year, financial statements showing its actual and budgeted figures for the most recently completed fiscal year.

(Neb. Rev. Stat. §19-2901 through 19-2909, 13-606)

SECTION 1-517: ANNUAL APPROPRIATION BILL

The Board of Trustees shall, on or before September 20 of each year, pass an ordinance to be termed "the Annual Appropriation Bill" in which the Village Board shall set out such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village not exceeding in the aggregate the amount of tax authorized to be levied. In such ordinance there shall be specified the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the Village General Fund. (Neb. Rev. Stat. §17-706)

SECTION 1-518: BUDGET MANUAL; INCORPORATED BY REFERENCE

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-519: PROPOSED BUDGET STATEMENT

A. The Village Board shall, not later than August 1 each year, on forms prescribed and furnished by the state auditor, prepare in writing and file with the village clerk a proposed budget statement containing the following:

1. For the immediate two prior fiscal years, the revenue from all sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;
2. For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable.
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources, other than revenue to be received from taxation, separately stated as to each such source to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted

exclusive of capital outlay items.

5. A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Village Proprietary Function Act and a grand total of all funds maintained by the Village Board.
6. A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Village Proprietary Function Act.

B. The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the Village as well as any funds held by the county treasurer for the Village and shall be accurately stated on the proposed budget statement.

C. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property, shall equal the amount to be received from taxes and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. Rev. Stat. §13-504, 13-505)

SECTION 1-520: PROPOSED BUDGET STATEMENT; PUBLICATION

Before the Annual Appropriation Bill is passed, the Village Board shall prepare an estimate of the probable amount of money necessary for all purposes to be raised during the fiscal year for which the appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the different objects and branches of expenditures, as nearly as may be, with a statement of the entire revenue of the Village for the previous fiscal year, and shall enter the same at large upon its minutes and cause the same to be published one week in some newspaper published or of general circulation in the Village.

SECTION 1-521: PROPOSED BUDGET STATEMENT; HEARING

Following the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the hearing, as well as a copy of the proposed

budget, shall be published at least five days prior to the hearing date in a newspaper of general circulation in the Village. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. (Neb. Rev. Stat. §13-506)

SECTION 1-522: ADOPTED BUDGET STATEMENT; FILING

The Village Board shall file with and certify to the levying board and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Neb. Rev. Stat. §13-508)

SECTION 1-523: TRANSFER OF FUNDS

A. Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the Village Board may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the Village Board may propose to supplement the previously adopted budget statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of any such hearing.

B. Notice of the place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement stating the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

C. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the Village Board, said board shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Village Board may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants

shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefore.

(Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-524: ALL-PURPOSE LEVY

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the Village, except intangible property. (Neb. Rev. Stat. §17-702, 19-1309)

SECTION 1-525: INADEQUATE VALUATION

If the valuation of the Village has been reduced so that the maximum levy permitted by Section 1-523 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Village Board of petitions signed by a majority of the registered voters of the Village requesting such action and specifying the extent to, and the period of time, not to exceed five years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Village Board. The board shall cause such petitions to be filed with the County Board. Said petitions shall be accompanied by the certificate of the county clerk that he/she has examined the petitions and that they have been signed by a majority of the registered voters of the Village. After such filing, the Village Board may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Neb. Rev. Stat. §19-1309)

SECTION 1-526: ALL-PURPOSE LEVY, ALLOCATION

The Village Board shall allocate the amount raised by the all-purpose levy to the several departments of the Village in its annual budget and appropriation ordinance or in other legal manner as the board shall deem best. (Neb. Rev. Stat. §19-1310)

SECTION 1-527: ALL-PURPOSE LEVY; ABANDONMENT

The Village shall be bound by its election of the all-purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. (Neb. Rev. Stat. §19-1311)

SECTION 1-528: EXTRAORDINARY LEVY

Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Village and to pay judgments obtained against the Village may be made in addition to the all-purpose levy. (Neb. Rev. Stat. §19-1309)

SECTION 1-529: PROPERTY TAX

The Village Board shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Village, except intangible property, which the Village requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed. The maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of 30 mills upon the assessed value of all taxable property within the corporate limits, except intangible property, for the purposes of the adopted budget statement, together with any special assessments or special taxes; or amounts assessed as taxes, in such sum as may be authorized by law for the payment of outstanding bonds and debts; provided, however, that the Board of Trustees may certify a further amount to be levied not to exceed three mills on the dollar for the purpose of establishing permissible sinking funds. (Neb. Rev. Stat. §17-702; 18-501; and 19-1301)

Article 6 – Elections

SECTION 1-601: VILLAGE BOARD

A. Board of Trustees members shall be elected from the Village at large unless the registered voters of the Village have voted to elect its board members by wards. Board members shall serve for terms of four years and shall be residents and qualified electors. If the election of board members takes place by wards, each nominee for board member shall be a resident and qualified elector of the ward for which he/she is a candidate and only residents of that ward may sign the candidate's nomination petitions.

B. The members of the Village Board of Trustees shall be elected at the statewide general election as provided in Neb. Rev. Stat. §17-202 and each four years thereafter. Except as provided in such section, the term of each trustee shall be four years or until his/her successor is elected and qualified.
(Neb. Rev. Stat. §17-202, 17-203, 32-532, 32-554)

SECTION 1-602: CERTIFICATION OF ELECTION

All village elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 5 of each even-numbered year, the Village Board shall certify to the secretary of state or the election commissioner the name of the Village, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §17-202, 32-404(2), 32-556)

SECTION 1-603: GENERAL ELECTION DATE

The statewide general election shall be held on the first Tuesday following the first Monday in November in each even-numbered year. (Neb. Rev. Stat. §32-403)

SECTION 1-604: FILING FOR OFFICE

Any candidate may place his/her name on the general election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and July 15 prior to the date of the general election. No incumbent who resigns from elective office prior to the expiration of his/her term shall file for any office after July 15 of that election year. All other candidates shall file for office between December 1 and August 1 prior to the date of the general election. A candidate filing form may be transmitted by facsimile for the offices listed in Neb. Rev. Stat. §32-607(1) if (A) the transmission is received in the office of the filing officer by the filing deadline and (B) the original filing form is mailed to the filing officer with a legible postmark bearing a

date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline. (Neb. Rev. Stat. §32-606)

SECTION 1-605: FILING FEE

A. Except as provided in subsection (C) or (D) of this section, a filing fee shall be paid to the village treasurer by or on behalf of each candidate prior to filing for office. The fee shall be placed in the General Fund of the Village. No candidate filing forms shall be filed until the proper receipt showing payment of such filing fee is presented to the filing officer.

B. All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within 10 days after the canvass of votes by the Canvassing Board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

C. No filing fee shall be required on any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500.00 per year.

D. No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his/her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. "Available resources" shall include every type of property or interest in property that an individual owns and may convert into cash except:

1. Real property used as a home;
2. Household goods of a moderate value used in the home; and
3. Assets up to a maximum value of \$3,000.00 which are used by a recipient in a planned effort directed towards self-support.

E. If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the Village Board prior to the date of the election. Upon approval of the claim by the board, the filing fee shall be refunded.

(Neb. Rev. Stat. §32-608)

SECTION 1-606: BALLOTS

The county clerk shall provide printed ballots for every general election, and the expense of printing and delivering the ballots and cards of instruction shall be charged to the Village. (Neb. Rev. Stat. §32-1202)

SECTION 1-607: CAUCUS CANDIDATES

A. The Village Board may by ordinance call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election and the Village Board shall publish notice of such caucus in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks before such caucus.

B. The village clerk shall notify the persons so nominated of their nomination not later than five days after such caucus. A candidate so nominated shall not have his/her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he/she files with the village clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he/she was nominated.

(Neb. Rev. Stat. §17-601.01, 17-601.02)

SECTION 1-608: PETITION CANDIDATES

A. Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or before March 1 in the calendar year of the general election may have his/her name placed on the general election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §32-617 to 32-621 or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §32-627 or 32-710.

B. Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot if a vacancy exists on the ballot under Neb. Rev. Stat. §32-625(2) and the candidate files for the office by petition as prescribed in §32-617 and 32-618, files as a write-in candidate as prescribed in §32-615, or is nominated by political party convention or committee pursuant to §32-627 or 32-710.

C. The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for governor or president of the U. S. at the immediately preceding general election in the Village.

D. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for governor or president of the U. S. at the immediately preceding general election within the Village, not to exceed 2,000.

E. Petitions for nomination for partisan and nonpartisan offices shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall

also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the district or political subdivision in which the officer is to be elected and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and petition circulators shall conform to the requirements of §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to §32-608. Such petitions shall be filed by September 1 in the year of the general election.

(Neb. Rev. Stat. §32-616 through 32-618)

SECTION 1-609: CERTIFICATE OF NOMINATION OR ELECTION

A. The election commissioner or county clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the County Canvassing Board has declared to have received the highest vote for each village office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves. (Neb. Rev. Stat §32-1033)

SECTION 1-610: SPECIAL ELECTION

A. Any issue to be submitted to the registered voters at a special election by the Village shall be certified by the village clerk to the county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide primary election and no special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

B. In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the village clerk to the county clerk by March 1 for the primary election and by September 1 for the general election.

C. After the county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the village clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the is-

sue. The election returns shall be made to the county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the county clerk shall certify the election results to the Village Board. The canvass by the Canvassing Board shall have the same force and effect as if made by the Village Board.

(Neb. Rev. Stat. §32-559)

SECTION 1-611: EXIT POLLS

No person shall conduct any exit poll, public opinion poll or any other interview with voters seeking to determine voter preference on Election Day within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

SECTION 1-612: RECALL PROCEDURE

A. Any or all of the elected officials of the Village may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.

B. Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the village clerk. Each petition paper shall conform to the requirements of state law. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the village clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator(s) of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the village clerk issue initial petition papers to the principal circulator for circulation. The village clerk shall notify the principal circulator that the necessary signatures must be gathered within 30 days from the date of issuing petitions.

C. The village clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his/her office, the name of the principal circulator to whom the papers were issued, the date of issuance, and the number of papers issued. The village clerk shall certify on the papers the name of the principal circulator to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator who checks out petitions from the village clerk may distribute such petitions to registered voters residing in the Village who may act as circulators of such petitions.

D. Each signer of a recall petition shall be a registered voter and qualified by his/her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

E. A petition demanding that the question of removing a member of the Vil-

lage Board be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election.

F. The principal circulator shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the village clerk within 30 days after the village clerk issues the initial petition papers to the principal circulator. Within 15 days after the filing of the petition, the village clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signature may be removed unless the village clerk receives an affidavit signed by the person requesting his/her signature be removed before the petitions are filed with the village clerk for signature verification. If the petition is found to be sufficient, the village clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the village clerk shall file the petition in his/her office without prejudice to the filing of a new petition for the same purpose.

G. If the recall petition is found to be sufficient, the village clerk shall notify the official whose removal is sought and the Village Board that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the Village Board shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the Village within 90 days of the expiration of the five-day period, the Village Board shall provide for the holding of the removal election on the same day. After the Village Board sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

H. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or if the election results in a tie, the official shall continue in office for the remainder of his/her term but may be subject to further recall attempts as provided in Subsection (J) of this section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this code and state law. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the village clerk that he/she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the Village Board at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the county clerk.

I. No official who is removed at a recall election or who resigns after the initi-

ation of the recall process shall be appointed to fill the vacancy resulting from his/her removal or the removal of another member of the Village Board during the remainder of his/her term of office.

J. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his/her term of office or within six months prior to the incumbent filing deadline for the office.

K. If an official is recalled or a vacancy needs to be filled as the result of a recall petition, the Village shall pay the costs of the recall procedure and any special election held as a result of a recall election. If a recall election is canceled pursuant to Neb. Rev. Stat. §32-1306, the Village shall be responsible for costs incurred related to the canceled election. The costs shall include all chargeable costs as provided in Neb. Rev. Stat. §32-1202 associated with preparing for and conducting a recall or special election.

(Neb. Rev. Stat. §32-1301 through 32-1309)

Article 7 – Penal Provision

SECTION 1-701: PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.